

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**KAZIM MOHAMMED, individually and on  
behalf of the estate of Melissa Mohammed,**

**Plaintiff,**

**v.**

**WATSON PHARMACEUTICALS, INC.,  
et al.,**

**Defendants.**

**No. 3:10-cv-00179**

**Judge Nixon**

**Magistrate Judge Bryant**

**ORDER**

Pending before the Court is Plaintiff Kazim Mohammed's Motion to Vacate the Current Scheduling Order and Stay All Proceedings and Discovery ("Motion"). (Doc. No. 75.) Plaintiff asserts that it is appropriate to stay proceedings and discovery in this case because he has moved the Judicial Panel on Multidistrict Litigation to create a multidistrict litigation case ("MDL") in the Northern District of Illinois into which this case would be consolidated. (*Id.* at 1.) Plaintiff requests that the current scheduling order be vacated and that the Court impose a stay pending a ruling from the Judicial Panel on his motion to consolidate. (*Id.* at 3.)

Defendants Watson Pharmaceuticals, Inc., Watson Pharma, Inc., Watson Laboratories, Inc., a Nevada Corporation, and Watson Laboratories, Inc., a Delaware Corporation, have filed a Response to Plaintiff's Motion. (Doc. No. 77.) Defendants agree with Plaintiff's request to vacate the current scheduling order and do not generally oppose a stay of proceedings. (*Id.* at 1.) However, Defendants request that some limited discovery be allowed to avoid the risk of losing evidence in the interim. (*Id.* at 2.) Specifically, Defendants wish to conduct discovery against third parties by subpoena and authorization, including documentary and other evidence, but not

depositions. (*Id.*) Plaintiff has not responded in opposition to Defendants' requested modification. The Court finds the request to be reasonable, as the evidence presumably will be relevant even if this case is consolidated into an MDL.

Given the general agreement of the parties, the Court hereby **GRANTS** Plaintiff's Motion. The Court therefore **VACATES** all current deadlines and hearings in this case. The Court also **STAYS** proceedings pending the Judicial Panel's decision on Plaintiff's motion to create an MDL in the Northern District of Illinois, except to the extent that the parties may conduct the limited discovery requested by Defendants.

It is so ORDERED.

Entered this the 14<sup>th</sup> day of May, 2012.

  
JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT